

**Executive Summary – Enforcement Matter – Case No. 42117**  
**FIRESTONE POLYMERS, LLC**  
**RN100224468**  
**Docket No. 2011-1258-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Firestone Polymers Orange Plant, located on the south side of Farm-to-Market Road 1006, approximately one mile east of the intersection of Farm-to-Market Road 1006 and State Highway 87, southwest of Orange, Orange County

**Type of Operation:**

Polybutadiene and butadiene/styrene copolymer manufacturing plant with an associated wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2011-0655-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 7, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$7,900

**Amount Deferred for Expedited Settlement:** \$1,580

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,320

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 42117  
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RN100224468  
Docket No. 2011-1258-IWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** June 22, 2011  
**Date(s) of NOE(s):** June 30, 2011

***Violation Information***

Failed to comply with permitted effluent limits for total copper and total zinc [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000454000, Effluent Limitations and Monitoring Requirements No. 1, for Outfall No. 001].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that by March 31, 2011, the Respondent updated operational procedures to ensure that the sprinkler system lines are flushed every six months to prevent buildup of copper and zinc.

**Technical Requirements:**

The Order will require, within 90 days, the Respondent to submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000454000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Lanae Foard, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2554; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Greg Defrates, Plant Manager, FIRESTONE POLYMERS, LLC, 5713 Farm-to-Market Road 1006, Orange, Texas 77630

**Executive Summary – Enforcement Matter – Case No. 42117**  
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Shinsuke Yamaguchi, President, FIRESTONE POLYMERS, LLC, 381 West Wilbeth Drive, Akron, Ohio 44301

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES

Assigned

11-Jul-2011

PCW

20-Jul-2011

Screening

20-Jul-2011

EPA Due

5-Sep-2011

## RESPONDENT/FACILITY INFORMATION

Respondent

FIRESTONE POLYMERS, LLC

Reg. Ent. Ref. No.

RN100224468

Facility/Site Region

10-Beaumont

Major/Minor Source

Major

## CASE INFORMATION

Enf./Case ID No.

42117

Docket No.

2011-1258-IWD-E

Media Program(s)

Water Quality

Multi-Media

No. of Violations

1

Order Type

1660

Government/Non-Profit

No

Enf. Coordinator

Lanae Foard

EC's Team

Enforcement Team 1

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

Subtotal 1

\$2,500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

216.0%

Enhancement

Subtotals 2, 3, & 7

\$5,400

Notes

Enhancement for one NOV with same/similar violations, 10 months of self-reported effluent violations, 12 NOVs with dissimilar violations, and seven orders with denial of liability; and a reduction for one notice of intent and one disclosure of violation.

Culpability

No

0.0%

Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

\$0

Economic Benefit

Total EB Amounts

\$170

Approx. Cost of Compliance

\$3,250

0.0%

Enhancement\*

\*Capped at the Total EB \$ Amount

Subtotal 6

\$0

**SUM OF SUBTOTALS 1-7**

Final Subtotal

\$7,900

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$7,900

**STATUTORY LIMIT ADJUSTMENT**

Final Assessed Penalty

\$7,900

**DEFERRAL**

20.0%

Reduction

Adjustment

-\$1,580

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

\$6,320

Screening Date 20-Jul-2011

Docket No. 2011-1258-IWD-E

PCW

Respondent FIRESTONE POLYMERS, LLC

Policy Revision 2 (September 2002)

Case ID No. 42117

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224468

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	11	55%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 216%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for one NOV with same/similar violations, 10 months of self-reported effluent violations, 12 NOVs with dissimilar violations, and seven orders with denial of liability; and a reduction for one notice of intent and one disclosure of violation.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 216%

Screening Date 20-Jul-2011

Docket No. 2011-1258-IWD-E

PCW

Respondent FIRESTONE POLYMERS, LLC

Policy Revision 2 (September 2002)

Case ID No. 42117

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224468

Media [Statute] Water Quality

Enf. Coordinator Lanae Foard

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0000454000, Effluent Limitations and Monitoring Requirements No. 1, for Outfall No. 001

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on June 22, 2011, and shown in the attached violation table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate total copper and total zinc to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

59 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$170

Violation Final Penalty Total \$7,900

This violation Final Assessed Penalty (adjusted for limits) \$7,900

# Economic Benefit Worksheet

**Respondent** FIRESTONE POLYMERS, LLC

**Case ID No.** 42117

**Reg. Ent. Reference No.** RN100224468

**Media** Water Quality

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	28-Feb-2011	31-Mar-2011	0.08	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	28-Feb-2011	15-Apr-2012	1.13	\$169	n/a	\$169

**Notes for DELAYED costs**

Estimated costs to update operational procedures to ensure that the sprinkler system lines are flushed every six months and to dredge the equilization pond to remove the sludge with elevated levels of copper and zinc, respectively. Date required is the initial date of noncompliance. Final dates are the dates training was conducted and the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$3,250

**TOTAL**

\$170



<b>EFFLUENT VIOLATION TABLE</b> <b>FIRESTONE POLYMERS, LLC</b> <b>TPDES Permit No. WQ0000454000, Outfall No. 001</b> <b>Docket No. 2011-1258-IWD-E</b>		
Permitted Effluent Limits	Monitoring Period	
	February 2011	March 2011
<b>Total Copper Daily Average Loading</b> <b>Limit = 0.11 lbs/day</b>	0.320	0.240
<b>Total Copper Daily Maximum Loading</b> <b>Limit = 0.24 lbs/day</b>	0.594	1.026
<b>Total Zinc Daily Average Loading</b> <b>Limit = 0.75 lbs/day</b>	1.800	1.110
<b>Total Zinc Daily Maximum Loading</b> <b>Limit = 1.6 lbs/day</b>	3.120	3.980

lbs/day = pounds per day



## Compliance History

Customer/Respondent/Owner-Operator:	CN601590789    Firestone Polymers, LLC	Classification: AVERAGE	Rating: 7.27
Regulated Entity:	RN100224468    FIRESTONE POLYMERS ORANGE PLANT	Classification: AVERAGE	Site Rating: 11.54
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30581
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008073538
	AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0010U
	AIR OPERATING PERMITS	PERMIT	1271
	WASTEWATER	PERMIT	WQ0000454000
	WASTEWATER	EPA ID	TX0002968
	AIR NEW SOURCE PERMITS	AFS NUM	4836100004
	AIR NEW SOURCE PERMITS	REGISTRATION	94661
	AIR NEW SOURCE PERMITS	REGISTRATION	91583
	AIR NEW SOURCE PERMITS	REGISTRATION	92324
	AIR NEW SOURCE PERMITS	REGISTRATION	91534
	AIR NEW SOURCE PERMITS	PERMIT	292
	AIR NEW SOURCE PERMITS	PERMIT	2565
	AIR NEW SOURCE PERMITS	REGISTRATION	46032
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0010U
	AIR NEW SOURCE PERMITS	AFS NUM	4836100004
	AIR NEW SOURCE PERMITS	REGISTRATION	91793
	AIR NEW SOURCE PERMITS	REGISTRATION	89547
	AIR NEW SOURCE PERMITS	REGISTRATION	95761
	AIR NEW SOURCE PERMITS	REGISTRATION	96295
	AIR NEW SOURCE PERMITS	REGISTRATION	95881
	AIR NEW SOURCE PERMITS	REGISTRATION	82804
	AIR NEW SOURCE PERMITS	REGISTRATION	90817
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30581
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810014
	POLLUTION PREVENTION PLANNING	ID NUMBER	P01569
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	OC0010U
Location:	On the south side of Farm-to-Market Road 1006, approximately one mile east of the intersection of Farm-to-Market Road 1006 and State Highway 87, southwest of Orange, Orange County, Texas		
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	July 20, 2011		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 20, 2006 to July 20, 2011		

Name: Lanae Foard

Phone: (512) 239-2554

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator?  
N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?  
N/A
5. When did the change(s) in owner or operator occur?  
N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 02/05/2007

ADMINORDER 2006-0754-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)(1)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)

Description: Failure to manifest hazardous waste.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)

Description: Failure to properly dispose of an industrial hazardous waste at an authorized facility.

Effective Date: 03/19/2007

ADMINORDER 2006-1308-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1271/SC 10 OP

NSRP 2565 Special Condition 8 PERMIT

Description: Failure to operate Boiler E-B110 at a maximum rate of 2.3 gallons per minute. B18

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271/SC 1C OP

Description: Failure to keep daily log notations of operations of flare M-600. B18

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP

Description: Failure to report deviations from MACT U flare recording requirements. B18

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP

Description: Failure to monitor Flares DM-801, M-600, and M-600R on an hourly basis. A,8,c,1,G

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP

Description: Failure to maintain records for the DFTO Unit. B18

Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP  
Description: Failure to maintain temperature records for RTO Can # 1 and RTO Can # 2. B18

Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.506(e)(6)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP  
Description: Failure to submit Maximum Achievable Control Technology Subpart U periodic report in a timely manner.

Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP 1271 General Terms and Conditions OP  
Description: Failure to maintain flow records for the DFTO Collection System and the RTO Collection System. A,8,c,2,B,i

Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP 1271 General Terms and Conditions OP  
Description: Failure to report a deviation on a Six Month Deviation Report and an Annual Compliance Report.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)(I)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Federal Operating Permit 1271, SC 10 OP  
NSR Permit 292, SC 3 PERMIT  
Description: Failure to maintain twelve month rolling emissions records. B18

Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP 1271 General Terms and Conditions OP  
Description: Failure to report a deviation on an Annual Compliance Certification Report. B18

Effective Date: 02/25/2008 ADMINORDER 2007-0767-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(g)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP 1271, General Terms and Conditions OP  
FOP 1271, Special Condition 1D OP  
FOP 1271, Special Condition 8D OP  
Description: Failure to submit the initial compliance testing for M-600R in a timely manner. Mod (3)(C), EIC C3

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP 1271 General Terms and Conditions OP  
FOP 1271 Special Condition 10A OP

Description: Failure to establish the pattern and quantities of air contaminants emitted into the atmosphere from sources downstream of the last stage of stripping and demonstrate a closed material balance for Crumb Unit 3.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP  
FOP 1271 Special Condition 1D OP

Description: Complete failure to notify the Administrator of the intent to conduct a performance test at least thirty days before the performance test is scheduled. EIC B(3) MOD 2(A)

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.496  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Condition OP  
FOP 1271 Special Condition 1D OP

Description: Failure to re-determine compliance of the RTO within 150 days as required after a process change. EIC A(8)(c)(1)(G) MOD 2(B)

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.496(d)  
  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP  
FOP 1271 Special Condition 1D OP

Description: Failure to re-determine compliance of Flare DM-801 within 150 days as required after a process change. EIC A(8)(1)(G) MOD 2(D)

Effective Date: 11/17/2008

ADMINORDER 2007-1598-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart H 63.167  
40 CFR Part 63, Subpart U 63.502(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
NSR Permit 292 Special Condition 4E PERMIT

Description: Failed to cap seven open ended lines, and to properly seal 56 leaking open-ended lines in volatile organic compound (VOC) service with a cap, plug, or blind flange.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart U 63.502(n)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failed to monitor Cooling Tower DK-801 on a quarterly basis using EPA Method 624.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)  
30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP

Description: Failed to maintain closed lids on degreasers.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
NSR Permit 292 15 PERMIT

Description: Failed to conduct residual volatile organic compounds (VOC) sampling at the exit of the dryer of Crumb Unit Three.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart U 63.506(e)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
Special Terms and Conditions 10 OP

Description: Failed to submit a Notification of Compliance Status Report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart U 63.494(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failed to demonstrate compliance with the residual organic hazardous air pollutant limitations set forth in NESHAP Emissions: Group I Polymers and Resins.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
SC 7B PERMIT

Description: Failed to properly monitor Cooling Tower DK-801.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 3,B,iii OP

Description: Failed to perform annual opacity observations of all stationary vents.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP

Description: Failed to report the occurrence of deviations in semi-annual deviation reports and to accurately certify compliance in an Annual Compliance Certification.

Effective Date: 08/31/2009

ADMINORDER 2009-0623-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 116, SubChapter G 116.715(c)(9)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 11 OP

Special Conditions 1 and 8 PERMIT

Description: Failure to prevent unauthorized emissions and maintain a flare pilot flame. Specifically, 55 pounds of 1,3-butadiene were released from the South Flare, due to the flare's pilot flame not being lit.

EIC A8(c)(2)(A)(ii) MOD(2)(D)

Violation Track No. 356015 is considered to be a cascading violation as it deals with a flare that was without a lit pilot and has been combined with violation Track No. 355993 which deals with an EE which resulted from the flare not being lit.

Effective Date: 03/08/2010

ADMINORDER 2009-1402-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01271, General Terms and Conditions OP

O-01271, Special Condition 10 OP

Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable limit. A8(c)(2)(A)(ii)

Moderate 2d

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

30 TAC Chapter 101, SubChapter F 101.201(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O 01271, Special Condition 2F OP

O-01271, General Terms and Condition OP

Description: Failure to properly report an emissions event. MOD 2B

Effective Date: 06/04/2010

ADMINORDER 2009-1933-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01271, General Terms and Conditions OP

O-01271, Special Condition 10 OP

Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable limit.

A8(c)(2)(A)(ii)

MOD 2D

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 07/24/2006 (480227)

2 07/25/2006 (480474)

3 07/24/2006 (481733)

4 08/11/2006 (483260)

5 01/22/2007 (509446)



6	10/30/2006	(511039)
7	11/20/2006	(513938)
8	11/27/2006	(516300)
9	04/30/2007	(518508)
10	02/28/2007	(518614)
11	08/16/2006	(519993)
12	09/18/2006	(519994)
13	09/07/2006	(519995)
14	09/07/2006	(519996)
15	04/30/2007	(534862)
16	02/12/2007	(538872)
17	04/30/2007	(542628)
18	06/05/2007	(542859)
19	02/16/2007	(544239)
20	11/17/2006	(544240)
21	12/13/2006	(544241)
22	04/30/2007	(554420)
23	05/21/2007	(556553)
24	05/10/2007	(558294)
25	11/20/2007	(561449)
26	08/10/2007	(566249)
27	08/29/2007	(570659)
28	08/28/2007	(572341)
29	09/19/2007	(573194)
30	03/19/2007	(574865)
31	04/18/2007	(574866)
32	05/15/2007	(574867)
33	06/18/2007	(574868)
34	03/07/2007	(574869)
35	10/22/2007	(593583)
36	01/15/2008	(596401)

37 08/16/2007 (601469)  
38 09/14/2007 (601470)  
39 10/16/2007 (601471)  
40 09/11/2007 (601472)  
41 12/04/2007 (610080)  
42 01/26/2008 (612617)  
43 11/19/2007 (619385)  
44 12/17/2007 (619386)  
45 04/06/2008 (636760)  
46 04/14/2008 (638121)  
47 03/25/2008 (639467)  
48 02/20/2008 (671881)  
49 03/14/2008 (671882)  
50 04/18/2008 (671883)  
51 04/18/2008 (671884)  
52 09/07/2008 (681135)  
53 08/15/2008 (687016)  
54 08/26/2008 (689011)  
55 05/14/2008 (689809)  
56 06/18/2008 (689810)  
57 11/18/2008 (704897)  
58 08/18/2008 (710565)  
59 10/17/2008 (710566)  
60 10/20/2008 (710567)  
61 11/10/2008 (710568)  
62 04/24/2009 (726877)  
63 12/02/2008 (727364)  
64 01/20/2009 (727365)  
65 04/23/2009 (742589)  
66 07/15/2009 (748375)  
67 07/23/2009 (749896)

68	02/18/2009	(750094)
69	03/20/2009	(750095)
70	04/17/2009	(750096)
71	04/17/2009	(750097)
72	06/22/2009	(759522)
73	08/21/2009	(759576)
74	07/08/2009	(760577)
75	08/28/2009	(760758)
76	11/20/2009	(765353)
77	05/20/2009	(768250)
78	06/15/2009	(768251)
79	10/12/2009	(775810)
80	12/15/2009	(784651)
81	05/20/2010	(796343)
82	03/24/2010	(796678)
83	02/19/2010	(804270)
84	08/19/2009	(804271)
85	09/17/2009	(804272)
86	10/19/2009	(804273)
87	11/20/2009	(804274)
88	12/16/2009	(804275)
89	01/20/2010	(804276)
90	07/19/2010	(826384)
91	07/05/2010	(829567)
92	03/18/2010	(830733)
93	04/19/2010	(830734)
94	05/20/2010	(830735)
95	08/11/2010	(842580)
96	06/17/2010	(846219)
97	07/20/2010	(860817)

98 08/20/2010 (866779)  
 99 09/03/2010 (869835)  
 100 09/20/2010 (873854)  
 101 10/15/2010 (881456)  
 102 12/29/2010 (886156)  
 103 11/19/2010 (887986)  
 104 01/19/2011 (890993)  
 105 12/15/2010 (896185)  
 106 04/15/2011 (899951)  
 107 04/27/2011 (901466)  
 108 04/27/2011 (901470)  
 109 01/17/2011 (902260)  
 110 02/02/2011 (905000)  
 111 04/15/2011 (905527)  
 112 02/20/2011 (909034)  
 113 03/17/2011 (916295)  
 114 07/13/2011 (923565)  
 115 04/15/2011 (924721)  
 116 06/30/2011 (934635)  
 117 05/16/2011 (937975)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/26/2006 (480474) CN601590789  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit an excess emissions report with the semi-annual nitrogen oxide emissions report.

Date: 10/31/2006 (544240) CN601590789  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/19/2007 (509446) CN601590789  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to maintain the pressure tank in Pressure Plane #1.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)  
Description: Failure to maintain records of the amount of each chemical used each week.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)  
Description: Failure to maintain records of the amount of water treated each week.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  
Description: Failure to maintain records of the dates that dead ends were flushed.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: Failure to perform the annual tank inspections on the pressure tanks.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)  
Description: Failure to install the facilities to maintain the air-water-volume at the design water level and working pressure on the pressure tank at Plant #1.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)  
Description: Failure to provide a pressure tank capacity of 220 gallons in Pressure Plane #2.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(2)  
Description: Failure to submit plans and specifications to replace the pressure tank in Pressure Plane #1.

Date: 04/30/2007 (574867) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (574868) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/28/2007 (564084) CN601590789  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
40 CFR Part 63, Subpart U 63.485(a)  
40 CFR Part 63, Subpart U 63.498(d)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP  
Description: Failure to maintain monitoring records Flares DM-801 and M-600R on an hourly basis.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
40 CFR Part 63, Subpart H 63.168  
40 CFR Part 63, Subpart H 63.169  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
FOP O-01271 Special Condition 1D OP  
Description: Failure to make a first attempt repair on a leaking component within five days.  
EIC B14 MOD 2(G)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Part 63, Subpart H 63.163  
 40 CFR Part 63, Subpart H 63.173  
 40 CFR Part 63, Subpart U 63.502(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 1D OP

Description: Failure to maintain records of visual, weekly inspections of pumps and agitators.  
 EIC B(3) MOD 2(B)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart U 63.498(d)(5)(ii)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 1D OP

Description: Failure to maintain temperature records for RTO Can #1 and RTO Can #2.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR 2565 Special Conditions 8 and 9 PERMIT

Description: Failure to maintain Boiler B-110 below the maximum firing rate of 298 MMBtu/hr.  
 EIC B,18 MOD 2(G)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR Permit 2565 PERMIT

Description: Failure to maintain the firing rate of Boiler B111 below 110 MMBtu/hr. EIC B,18  
 MOD 2(G)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 3(B)(iii) OP

Description: Failure to conduct opacity monitoring while burning waste Hexane in Boiler B110.  
 EIC B,1 MOD 2(B)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter E 115.426(1)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 9 OP

Description: Failure to maintain records of solvent usage for the Pro-Paint area. EIC B,3 MOD  
 2(B)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)

5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 FOP O-01271 Special Condition 1D OP  
 NSR Permit 292 Special Condition 4I PERMIT

Description: Failure to make a first attempt and final repair within fifteen days.

Self Report? NO Classification: Minor  
 Citation: M&RR 5 PERMIT  
 Description: Failure to ensure mechanical flow meter is calibrated as often as necessary to ensure accuracy.

Self Report? NO Classification: Minor  
 Citation: M&RR 2 PERMIT  
 Description: Failure by Firestone Polymers to comply with test procedures specified in 30 TAC 319.11 - 319.12.

Self Report? NO Classification: Minor  
 Citation: M&RR 3ciii PERMIT  
 Description: Failure by Firestone Polymer to maintain records of monitoring activities to include analysis time.

Self Report? NO Classification: Minor  
 Citation: PC 1a PERMIT  
 Description: Failure by Firestone Polymer to submit correct information in a report to the Executive Director.

Date: 11/20/2007 (561449) CN601590789

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR Permit 2565 Special Condition 5 PERMIT

Description: Failure to limit the Sulfur Dioxide (SO2) emissions from Boiler B-111 (EPN: EB-111) during the stack test conducted on November 4, 2004. EIC B(13)  
 MOD 2(D)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR Permit 2565 Special Condition 14F PERMIT

Description: Failure to submit a copy of the final sampling report of Boiler B-111 for the test performed on November 4, 2007, to the TCEQ Beaumont Regional Office within 60 days after sampling was completed. EIC C(3) MOD 2(B)

Date: 06/30/2008 (671884) CN601590789

Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/15/2008 (687016) CN601590789

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
 40 CFR Part 63, Subpart H 63.167  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01271 Special Condition 10 OP  
 FOP O-01271 Special Condition 1D OP  
 FOP O-01271, General Terms and Condition OP  
 NSR Permit 292 Special Condition 4E PERMIT

Description: Failure to properly equip and seal several open-ended lines with a cap, plug, or blind flange.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
NSR Permit 292 Special Condition 15 PERMIT

Description: Failure to conduct residual VOC sampling at the exit of the dryer of Crumb Unit Three.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
40 CFR Part 63, Subpart H 63.163  
40 CFR Part 63, Subpart H 63.173  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failure to maintain records of visual, weekly inspections of pumps and agitators.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
FOP O-01271 Special Condition 1D OP  
NSR Permit 292 Special Condition 4I PERMIT

Description: Failure to make a first repair attempt concerning several pumps and agitators within five (5) days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failure to make a first attempt repair on a leaking component within five days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failure to include a leaking component on the delay of repair list if not repaired within 15 calendar days after discovery of the leak.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
FOP O-01271 Special Condition 7F OP  
Permit 2565 Special Condition 10B and C PERMIT

Description: Failure to conduct the required daily calibrations of the continuous emissions monitoring system (CEMS).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)



FOP O-01271 General Terms and Conditions OP  
Description: Failure to report the occurrence of deviations in a semi-annual deviation report.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
Description: Failure to accurately certify an Annual Compliance Certification for the period of  
March 10, 2007 through March 9, 2008.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(6)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.484(a)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP  
Description: Failure to notify the Commission at least 7 calendar days in advance of refilling  
Tank DF-138.

Date: 08/31/2008 (710566) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2009 (750096) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/23/2009 (742589) CN601590789  
Self Report? NO Classification: Minor  
Citation: M&RR 5 PERMIT  
Description: Failure to ensure mechanical flow meter is calibrated as often as necessary to  
ensure accuracy.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 11a PERMIT  
Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge of  
wastes generated by the 200 Area Oil/Water Separator.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.4  
OpR 11a PERMIT

Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR1 PERMIT

Description: Failure by Firestone Polymers LLC., to properly maintain units of treatment.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.4  
OpR 11a PERMIT

Description: Failure by Firestone Polymers, LLC to properly maintain the capped hazardous  
waste surface impoundment.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT

Description: Failure by Firestone Polymers to properly maintain secondary containment  
structures.

Date: 04/30/2009 (768250) CN601590789  
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/16/2009 (748375) CN601590789

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271 Special Condition 1D OP  
O-01271, Special Condition 11 OP  
Permit 292 PERMIT

Description: Failure to maintain records of visual, weekly inspections of pumps, connectors, and agitators.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.485(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.498(d)  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271 Special Condition 1D OP

Description: Failure to maintain pilot flame monitoring data.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
40 CFR Part 63, Subpart H 63.167  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271 Special Condition 11 OP  
Permit 292 Special Condition 4E PERMIT

Description: Failure to properly equip and seal several open-ended lines with a cap, plug, or blind flange.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.497(c)  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271 Special Condition 10 OP  
O-01271 Special Condition 1D OP  
Permit 292, Special Condition 13A PERMIT

Description: Failure to maintain the daily average temperatures of RTO #1 and RTO #2 above the established limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.498(d)(5)(ii)  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271 Special Condition 10 OP  
O-01271 Special Condition 1D OP  
Permit 292, Special Condition 13A PERMIT

Description: Failure to maintain temperature records for RTO #1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)

5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271, Special Condition 6E OP  
Permit 2565, Special Condition 1 PERMIT  
Permit 2565, Special Condition 10 PERMIT

Description: Failure for the owner or operator of an affected facility subject to a NOX standard, to properly operate and maintain the Continuous Emissions Monitoring System (CEMS).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP

Description: Failure to accurately certify the Annual Compliance Certification for the period of March 10, 2008, through February 28, 2009.

Date: 11/30/2009 (804275) CN601590789

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/12/2010 (842580) CN601590789

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 11 OP  
Special Condition 8 PERMIT

Description: Failure to operate the flare in a smokeless manner. EIC C4, MIN 3D

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 10F PERMIT  
Special Condition 11 OP

Description: Failure to demonstrate a system reliability of at least 90% for the NOx CEMS during the compliance period of March 1, 2009, through February 28, 2010. EIC B1, MOD 2G

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.484(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1D OP

Description: Failure to conduct the annual visual seal inspections on internal floating roof tanks DF-137 and DF-138. EIC B1, MOD 2E  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(c)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 11 OP  
Description: Failure to continuously record data from the NOx CEMS while Boiler 110 was in operation.

EIC B3, MOD 2D  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Description: Failure to certify compliance of the permit for at least each 12-month period no later than 30 days after the end of the certification period.

EIC B3, MOD 2B

Date: 09/03/2010 (869835) CN601590789  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/02/2011 (905000) CN601590789  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/28/2011 (916295) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2011 (924721) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/15/2011 (905527) CN601590789  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
ELMR PERMIT

Description: Failure by Firestone Polymers, LLC to collect chemical oxygen demand for Outfall 002 as required by the water quality permit.

Self Report? NO Classification: Moderate

Citation: OpR PERMIT

Description: Failure by Firestone Polymers, LLC to manage industrial wastewater in accordance with all applicable provisions in 30 TAC Chapter 335.

Date: 07/14/2011 (923565) CN601590789

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 3(A)(iv) OP

Description: Failure to maintain complete records of opacity monitoring. C3 Minor 3C

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 10 OP  
Special Condition 22 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for MSS Flaring.  
B14 moderate 2d

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 10 OP  
Special Condition 4E PERMIT

Description: Failure to operate with a cap, blind flange, plug, or second valve installed on equipment in Volatile Organic Compound (VOC) service.

C10 Moderate 2d

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(c)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 10 OP  
Special Condition 10 PERMIT  
Special Condition 2 PERMIT

Description: Failure to record CEMS data. C3 Minor 3c

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 116, SubChapter G 116.715(a)  
  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 10 OP  
Special Condition 8 PERMIT

Description: Failure to operate flare in a smokeless manner. B14 Moderate 3d

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.354(4)

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to perform required weekly audio, visual, olfactory (AVO) inspections.  
C1 minor 3a

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to report deviations on two Semi-annual deviation reports (SDR) and failure to accurately certify an Annual Compliance Certification (ACC) for the reporting period of March 1, 2010, through February 28, 2011.

B18 Moderate 2b

F. Environmental audits.

Notice of Intent Date: 02/06/2008 (617837)

Disclosure Date: 10/07/2008

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)

Description: Failure to maintain records to demonstrate compliance with PBR conditions.

Disclosure Date: 08/10/2009

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)

Description: Failure to maintain records to demonstrate compliance with PBR conditions.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
FIRESTONE POLYMERS, LLC  
RN100224468

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2011-1258-IWD-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding FIRESTONE POLYMERS, LLC ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a polybutadiene and butadiene/styrene copolymer manufacturing plant with an associated wastewater treatment facility located on the south side of Farm-to-Market Road 1006, approximately one mile east of the intersection of Farm-to-Market Road 1006 and State Highway 87, southwest of Orange in Orange County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 5, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Seven Thousand Nine Hundred Dollars (\$7,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Three Hundred Twenty Dollars (\$6,320) of the administrative penalty and One Thousand Five Hundred Eighty Dollars (\$1,580) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by March 31, 2011, the Respondent updated operational procedures to ensure that the sprinkler system lines are flushed every six months to prevent buildup of copper and zinc.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000454000, Effluent Limitations and Monitoring Requirements No. 1, for Outfall No. 001, as documented during a record review conducted on June 22, 2011 and shown in the violation table below:



EFFLUENT VIOLATION TABLE		
Permitted Effluent Limits	Monitoring Period	
	February 2011	March 2011
<b>Total Copper Daily Average Loading</b> Limit = 0.11 lbs/day	0.320	0.240
<b>Total Copper Daily Maximum Loading</b> Limit = 0.24 lbs/day	0.594	1.026
<b>Total Zinc Daily Average Loading</b> Limit = 0.75 lbs/day	1.800	1.110
<b>Total Zinc Daily Maximum Loading</b> Limit = 1.6 lbs/day	3.120	3.980

lbs/day = pounds per day

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: FIRESTONE POLYMERS, LLC, Docket No. 2011-1258-IWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000454000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self reported discharge monitoring reports, demonstrating at least three consecutive months

of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

10-25-11  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

08/26/11  
Date

Greg Defrates  
Name (Printed or typed)  
Authorized Representative of  
FIRESTONE POLYMERS, LLC

Plant Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.